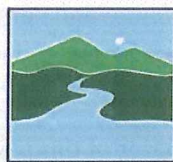


# Shoreland Protection Individual Permit

Under Chapter 49A of Title 10, § 1441 *et seq.*



VERMONT DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION  
**WATERSHED**  
MANAGEMENT DIVISION  
LAKES & PONDS PROGRAM

<p><b>Applicant:</b> Celine M. Adams</p> <p><b>Waterbody:</b> Brownington Pond</p> <p><b>Permit Number:</b> 65</p>	<p><b>Parcel SPAN:</b> 177-056-10017</p> <p><b>Parcel Address:</b> 230 Boulder Drive, Derby</p>
<p>Based upon the Findings contained in this permit, the Secretary has determined that the proposed project will comply with Chapter 49A of Title 10, § 1441 <i>et seq.</i> and is hereby approved under the following conditions and specifications.</p>	
<p><b>1. Specific Conditions</b></p>	
<p><b>1a.</b> All cleared area and impervious surface associated with this project shall not be expanded towards the mean water level.</p> <p><b>1b.</b> In accordance with the plan proposed in the permit application to address a greater than 20% slope on the project site, the permittee shall install silt fencing prior to construction down gradient of construction activity, maintain the fencing during construction, and seed and mulch disturbed areas. Areas greater than a 20% slope shall be stabilized using erosion control blankets. Additionally, the permittee shall install two water bars draining to rip-rap lined swales downslope of the new impervious surface.</p> <p><b>1c.</b> All new impervious surfaces associated with this project shall not exceed 460 square feet. In accordance with the plan proposed in the permit application, the permittee shall install two water bars draining to rip-rap lined swales downslope of the new impervious surface, as noted above (1b).</p> <p><b>1d.</b> All cleared area associated with this project, including that area cleared for the purposes of creating impervious surface, shall not exceed 4 square feet. In accordance with the plan proposed in the permit application, the permittee shall establish an area of vegetative cover of 315 square feet, to remain undisturbed, with a minimum dimension of 7' x 45' along the northwestern edge of the property border.</p> <p><b>1e.</b> The project shall be completed as shown on the application, plans, and support documents as submitted by the applicant, and approved by the Shoreland Permit Program.</p>	
<p><b>2. Standard Conditions</b></p>	
<p><b>2a.</b> <u>Demarcation of project areas.</u> All authorized impervious surfaces and/or cleared areas shall be visibly demarcated prior to the commencement of the project.</p> <p><b>2b.</b> <u>Erosion control and bank stability management.</u> Best management practices shall be used to provide erosion control and bank stability of the project area while completing the project and be maintained as necessary.</p> <p><b>2c.</b> <u>Requirement to record in the land records.</u> The conditions of this permit shall run with the land and shall be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall record and index this permit in the associated municipal land records within 30 days of issuance of this permit and prior to the conveyance of any parcel subject to the jurisdiction of this permit. The permittee, or any other interested party, may request a copy of the approved application plans and support documents from the Shoreland Permit Program.</p> <p><b>2d.</b> <u>Compliance with other regulations.</u> This permit does not relieve the permittee from obtaining all other approvals and permits prior to construction or the responsibility to comply with any other applicable federal, state, and local laws or regulations.</p> <p><b>2e.</b> <u>Authorization for substantial changes.</u> No alterations to existing structures other than those indicated in this permit that would change or affect the authorized impervious surface or cleared area shall be allowed without</p>	

prior written approval by the Shoreland Permit Program. Construction of additional nonexempt impervious surface or cleared area may not be granted unless the proposal conforms to the applicable laws and regulations.

- 2f. Transfer of parcel. Each purchaser of this parcel shall be provided a copy of this Shoreland Protection Permit and related support materials prior to conveyance of any portion of the parcel to that purchaser.
- 2g. Access to property. By acceptance of this permit, the permittee agrees to allow representatives of the state of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont's statutes, regulations, and Shoreland Protection Permit conditions.
- 2h. Legal responsibilities for damages. The Secretary, by issuing this individual permit, accepts no legal responsibility for any damage direct or indirect of whatever nature and by whoever suffered arising out of the approved activity.
- 2i. Rights and Privileges. This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.
- 2j. Duty to comply and enforcement. The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance shall constitute a violation of 10 V.S.A. Chapter 49A and may be cause for any enforcement action and revocation, modification, or suspension of the permit. It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.
- 2k. Reopener. If, after granting this permit, the Secretary determines, at his or her discretion, that there is evidence indicating that an authorized activity does not comply with the requirements of 10 V.S.A. Chapter 49A, the Secretary may reopen and modify this permit to include different limitations and requirements. A reduction in the size of the parcel by dividing the land by sale, gift, lease, mortgage foreclosure, court-ordered partition or decree, or by filing of a plot, plan, or deed in the records of the municipality in which the act of division occurred, may require the reopener and modification of this permit to ensure compliance with the requirements of 10 V.S.A. Chapter 49A.
- 2l. Appeals. Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or the appellant's attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned and the name of the applicant or any permit involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at [www.vermontjudiciary.org](http://www.vermontjudiciary.org). The address for the Environmental Division is: 32 Cherry St.; 2nd Floor, Suite 303; Burlington, VT 05401 Telephone. # 802-951-1740.

### **3. Findings**

- 3a. The Secretary received an application from Celine M. Adams for a Shoreland Permit under 10 V.S.A. 1445(a), Nonconforming Parcels; Permit Standards, on December 2, 2014. It was reviewed in accordance with the Department of Environmental Conservation's Permit Application Review Procedure, adopted May 22, 1996.
- 3b. Within the Protected Shoreland Area, and as described in Permit Application #65, the project is to expand the



existing driveway by 460 square feet of impervious surface on the side of the habitable structure furthest from the mean water level. The project also includes creation of 4 square feet of new cleared area adjacent to the existing driveway. In accordance with 10 V.S.A. 1441, a permit is required for the creation of cleared area or impervious surface.

- 3c. The subject parcel has a surface area of 6,300 square feet, 1,305 square feet of existing impervious surface, and 6,000 square feet of existing cleared area located within the Protected Shoreland Area.
- 3d. 10 V.S.A. 1445(b)(2): The expansion of the habitable structure within 100 feet of the mean water level will be on the side of the structure farthest from the lake.
- 3e. 10 V.S.A. 1445(b)(3)(B): The project area is located on a slope of 22%, a greater than 20% slope. The permittee has demonstrated that the project site will have a stable slope with minimal erosion and minimal negative impacts to water quality by installing silt fencing prior to construction, seeding and mulching disturbed areas, stabilizing areas greater than 20% in slope with erosion control blankets, and installing two water bars draining to rip-rap lined swales downslope of the new impervious surface.
- 3f. 10 V.S.A. 1445(b)(4)(B): The project and existing impervious surface consists of no more than 1,765 square feet, resulting in 28% of the total parcel within the Protected Shoreland Area consisting of impervious surface, more than 20%. The permittee has demonstrated that a best management practice will be used to manage, treat, and control erosion due to stormwater runoff from that portion of impervious surface that exceeds 20% of the Protected Shoreland Area. The permittee has identified the installation of two water bars draining to rip-rap lined swales downslope of the new impervious surface as a best management practice, as noted above (3e).
- 3g. 10 V.S.A. 1445(b)(5)(B): The project and existing cleared area consists of no more than 5,689 square feet, 94.8% of the parcel within the Protected Shoreland Area, more than 40%. The permittee has demonstrated that a best management practice will be used to provide erosion control, bank stability, and wildlife habitat functionality equivalent to that which would be provided by clearing less than 40% of the Protected Shoreland Area. The permittee has identified the creation of 315 square feet of undisturbed vegetative cover on the northwest property border as a best management practice.
- 3h. 10 V.S.A. 1443(c)(3): No public comments were received in response to this permit application during the 30-day public notice period.

#### Authorization

By delegation from the Secretary, the Vermont Department of Environmental Conservation has made a determination that the project above qualifies for individual shoreland permit coverage if conducted in accordance with the Shoreland Protection Act, per Chapter 49A of Title 10, § 1441 *et seq.*, and is subject to the conditions herein specified.

This permit shall be effective on the date of signing.

David K. Mears, Commissioner  
Department of Environmental Conservation

By: Mary L. Borg, Deputy Director, for 1/7/2015  
Pete LaFlamme, Director  
Watershed Management Division